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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/608,886 06/26/2003		Todd Hembrough	05213-3041 (286877)	7823		
23370	7590 05/31/2006		EXAM	EXAMINER		
JOHN S. PRATT, ESQ			HEARD, THOMAS SWEENEY			
	STOCKTON, LLP FREE STREET	ART UNIT	PAPER NUMBER			
ATLANTA, (GA 30309		1654			
			DATE MAILED: 05/31/2000	5		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicat	on No.	Applicant(s)				
Office Action Summary		10/608,8		HEMBROUGH E	ΓAL.			
		Examine	r	Art Unit				
		Thomas	3. Heard	1654				
Period fo	The MAILING DATE of this communion Reply	ication appears on th	e cover sheet with	the correspondence ac	idress			
A SH WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE Mensions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this common period for reply is specified above, the maximum stare to reply within the set or extended period for reply reply received by the Office later than three months a led patent term adjustment. See 37 CFR 1.704(b).	AILING DATE OF T of 37 CFR 1.136(a). In no evalunication. atutory period will apply and v will, by statute, cause the apply	HIS COMMUNICATION THE COMMUNICATION IN THE COMMUNIC	TION. be timely filed from the mailing date of this of DONED (35 U.S.C. § 133).				
Status								
1)	Responsive to communication(s) file	ed on .						
2a)□								
3)								
,	closed in accordance with the practic	•		· •				
Disposit	ion of Claims							
4) 🖂	Claim(s) 21-37 is/are pending in the	application.						
, —	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	Claim(s) is/are allowed.							
6)	Claim(s) is/are rejected.							
7)	Claim(s) is/are objected to.							
8)⊠	Claim(s) 21-37 are subject to restrict	tion and/or election r	equirement.					
Applicat	ion Papers							
9)[The specification is objected to by the	e Examiner.						
10)	The drawing(s) filed on is/are:	a) ☐ accepted or b)□ objected to by	the Examiner.				
	Applicant may not request that any object	ction to the drawing(s)	be held in abeyance.	. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including	the correction is requi	red if the drawing(s)	is objected to. See 37 C	FR 1.121(d).			
11)	The oath or declaration is objected to	by the Examiner. N	ote the attached O	office Action or form P	TO-152.			
Priority	under 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim	for foreign priority ur	ider 35 U.S.C. § 1	19(a)-(d) or (f).				
a)	☐ All b)☐ Some * c)☐ None of:							
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies	•		ceived in this National	Stage			
	application from the Internatio	·						
* (See the attached detailed Office actio	n for a list of the cer	itied copies not red	ceived.				
Attachmer	nt(s)							
1) 🔲 Notic	ce of References Cited (PTO-892)		4) Interview Sum					
	ce of Draftsperson's Patent Drawing Review (P			fail Date mal Patent Application (PT	O-152)			
	mation Disclosure Statement(s) (PTO-1449 or er No(s)/Mail Date	r 10/30/00)	6) Other:	atom reprioditori (i i	- ·, ~			

DETAILED ACTION

Election/Restrictions

Note: claims 38-40 are composition claims that improperly depend on the method claim of 30. Correction is required in the next correspondence to this office action to avoid rejection.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 21-30 and 38-40 are drawn to a c plurality of peptide, proteins, biomolecules, classified in class 530, subclass 330, for example.
- II. Claims 31-37 are drawn to a method of treatment, classified in class 530, subclass 333, for example.

The inventions are distinct, each from the other for the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case one need not use the compositions to inhibit receptor activated activity associated with psoriasis. One may use coal tar extracts for the treatment of psoriasis.

The inventions above are patentably distinct. The search for each of the above inventions is not co-extensive particularly with regard to the literature search. Burden consists not only of specific searching of classes and subclasses, but also of searching multiple databases for foreign references and literature searches. Burden also resides in the examination of independent claim sets for clarity, enablement, and double patenting issues. Further, a reference that would anticipate the invention of one group would not necessarily anticipate or even make obvious another group. Finally, the consideration for patentability is different in each case. Thus, it would be an undue burden to examine all of the above inventions in one application and the restriction for examination purposes as indicated above is deemed proper.

Regardless of which group is elected, a further election of species is required.

This application contains claims directed to the following patentably distinct species of the claimed invention: COMPOSITIONS AND METHODS COMPRISING PROTEIN ACTIVATED RECEPTOR ANTAGONISTS.

No matter which group is chosen, Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (SEQ ID No.) with all variables defined for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, nearly all claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The examiner has required restriction between product and process claims.

Where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. Process claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

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In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103, and 112. Until an elected product claim is found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowed product claim will not be rejoined. See "Guidance on Treatment of Product and Process Claims in light of In re Ochiai, In re Brouwer and 35 U.S.C. § 103(b)," 1184 O.G. 86 (March 26, 1996). Additionally, in order to retain the right to rejoinder in accordance with the above policy, Applicant is advised that the process claims should be amended during prosecution either to maintain dependency on the product claims or to otherwise include the limitations of the product claims. Failure to do so may result in a loss of the right to rejoinder. Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas S Heard whose telephone number is (571) 272-2064. The examiner can normally be reached on 9:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number

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for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSH

Cecilia J. Tsång Supervisory Patent Examiner Technology Center 1600